

**REMARKS**

Claims 1-45 are pending, of which claims 1, 16, 29, 42, and 44 are independent. Claims 1, 16, 29, 42, and 44 are amended to more particularly point out and distinctly claim the present invention. In particular, claims 1, 16, 29, 42, and 44 are amended to clarify that sound sources unrelated to the collection remain present in the audio field and are not muted and, conversely, that the member sound sources of the collection are not audible when the collection is in its collapsed state. These claims are further amended to note that the change in state of the collection is in response to user command.

Entry of these changes is in order as they raise no issues that would require further consideration and/or search, nor do the amendments affect substantive matters. The amendments to claims 1, 16, 29, 42, and 44 were not made previously because Applicants did not appreciate that clarification was in order.

Applicants traverse the rejections of the claims as being anticipated by or unpatentable over Schmandt, taken alone or in combination with McKiel, Jr. (U.S. Patent No. 6,046,722) or Sibbald (U.S. Patent No. 6,498,857).

None of the applied references disclose or makes obvious a method or apparatus having the features of claims 1-45. Schmandt does not anticipate the presently claimed invention, nor would one

of ordinary skill in the art have been motivated to combine Schmandt with Sibbald or McKiel, Jr., to arrive at the steps or apparatus of independent claims 1, 16, 29, 42, and 44.

When a user "enters" a room, the sound files associated with the room are notionally positioned about the user's head, i.e., the sound files are equi-angularly spaced around the user's head. The files from which the sounds appear to emanate depend on the direction the user is facing.

In FIG. 5, sounds emanate from the three shaded files, that is, the three files towards which the user is facing. However, sounds from these three files emanate from positions that are more spread out than the notional positions of the corresponding files. This is the "fisheye lens" effect Schmandt mentions on page 168, column 2, and illustrates in FIG. 6. In FIG. 6, the size of the shaded circles represents the playback amplitude of the sounds emanating from the sound files. The sound file most towards the facing direction of the user has the loudest sound. As the user turns his or her head, the sound files mute/unmute as necessary.

The Examiner appears to be saying that the highlighted files in FIG. 5 of Schmandt form a collection of sounds as set out in Applicant's claims. As the user turns his or her head, these files--which were previously activated--become muted. That is a reasonable interpretation of Schmandt.

Thereafter, Applicant cannot understand the relation set forth in the Office Action between the present claims and the Schmandt reference. In particular, Applicant has great difficulty identifying what feature of Schmandt the Examiner thinks provides the collection-representing sound source of Applicant's independent claims. At first, it was thought that perhaps the Examiner was saying one of the sound files of the collection he has identified could be considered as representing the collection. This cannot be the case, however, as Applicant's independent claims clearly state that the member sound sources of the collection are muted in the collapsed state of the collection. This only leaves the possibility that the Examiner believes that one of the unshaded sound sources in FIG. 5 of Schmandt is a collection-representing sound source. However, there is no disclosure or suggestion in Schmandt that such a sound source "represents" the collection of shaded sound sources.

As used in independent claims 1, 16, 29, 42, and 44, the term "collection-representing sound source" clearly means that the sound source audibly indicates to the user that it represents a particular collection of sound sources (which can be made individually audible by suitable user command). This is not disclosed by Schmandt. The fact that in Schmandt a user can mute the individual collection sound sources by looking away from them

to another sound source, which then becomes audible, does not provide the same functionality as Applicant's claims because there is no linkage whatsoever between the latter sound source and the collection sound sources.

On page 3 the Office Action says that the files which are not highlighted in FIG. 5 constitute the sound sources, unrelated to the collection, that remain present in the audio field. The amended independent claims more clearly indicate that these sound sources remain "audibly" present, overcoming the position taken in the Office Action because the files that are not highlighted in Figure 5 are implicitly not activated.

Accordingly, independent claims 1, 16, 29, 42, and 44 are allowable over the art of record. Claims 2-15, 17-28, 30-41, 43, and 45 are allowable due to their dependence on allowable independent claims, as well as for the additional limitations provided thereby. McKiel, Jr. and Sibbald do nothing to cure the deficiencies of Schmandt as a primary reference.

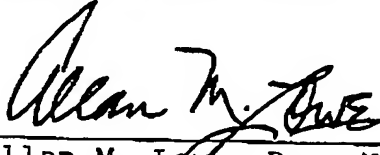
In view of the foregoing amendments and remarks, favorable reconsideration and allowance are deemed in order.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any required fees not otherwise provided for, including application processing,

extension of time, and extra claims fees, to Deposit Account No.  
07-1337.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

By:   
Allan M. Lowe, Reg. No. 19,641

1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
703-684-1111 telephone  
703-518-5499 telecopier  
AML:rk